

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:11cv89

COLDWELL BANKER REAL ESTATE, LLC,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
PREMIER DEVELOPMENT RESOURCES, LLC,)	
FRANK W. KASEY, and MICHAEL W. KASEY,)	
)	
Defendants.)	
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THIS MATTER is before the Court on the Plaintiff's Motion for Preliminary Injunctive Relief [Doc. 16] and the Suggestion of Bankruptcy [Doc. 26] concerning Defendant Michael W. Kasey.

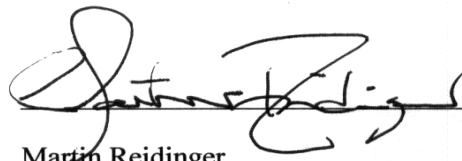
This action was begun on April 15, 2011. [Doc. 1]. On the same day, the Plaintiff moved for a preliminary injunction. [Doc. 16]. Since the Defendant Michael W. Kasey is in bankruptcy, the action is stayed as to him. Plaintiff has voluntarily dismissed this action as against Defendant Gerald Kasey. Although the two remaining defendants, Premier Development Resources, LLC and Frank W. Kasey were served, they have never appeared in the action. [Doc. 21; Doc. 22]. The Plaintiff, however, has never moved for entry

of default. In response to an inquiry from the Chambers of the undersigned, Plaintiff's counsel advised that entry of the preliminary injunction was unnecessary.

The Court will require Plaintiff's counsel to advise whether the Plaintiff intends to proceed with the prosecution of this action or intends to voluntarily dismiss the same.

IT IS, THEREFORE, ORDERED that on or before fifteen (15) days from entry of this Order, the Plaintiff shall advise the Court in writing whether it intends to prosecute the action or to voluntarily dismiss the same.

Signed: November 28, 2011


Martin Reidinger
United States District Judge

